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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,902	11/24/2003	Alan L. Billings	930034-2041	5301
	7590 01/27/200 AWRENCE & HAUG	9	EXAMINER	
	ENUE- 10TH FL.		AFTERGUT, JEFF H	
NEW YORK, NY 10151			ART UNIT	PAPER NUMBER
			1791	
			MAIL DATE	DELIVERY MODE
			01/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	10/720,902	BILLINGS ET AL.				
Office Action Summary	Examiner	Art Unit				
	Jeff H. Aftergut	1791				
The MAILING DATE of this communication app	pears on the cover sheet with the c	orrespondence address				
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on <u>09</u> Ja	anuarv 2009.					
	action is non-final.					
3) Since this application is in condition for allowar						
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1-23</u> is/are pending in the application.						
4a) Of the above claim(s) <u>7 and 9-15</u> is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) <u>1-6, 8, 16-23</u> is/are rejected.						
7) Claim(s) is/are objected to.	7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers						
9)☐ The specification is objected to by the Examine	r.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correct	ion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).				
11)☐ The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list	or the certified copies not receive	a.				
Attachment(s)	n□	(DTO 440)				
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) ∭ Interview Summary Paper No(s)/Mail Da					
3) Information Disclosure Statement(s) (PTO/SB/08)	5) 🔲 Notice of Informal P					
Paper No(s)/Mail Date	6)					

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Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-6, 8, 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Billings (US 6470944) in view of Hansen (US 2002/0102894) and McGahern et al (US 6428874) for the same reasons as expressed in paragraph 5 of the Office action dated July 9, 2008.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-6, 8, and 16-23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,470,944 in view of McGahern et al and Hansen for the same reasons as presented in paragraph 7 of the Office action dated July 9, 2008.

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Election/Restrictions

5. Claims 7 and 9-15 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 27, 2006.

Response to Arguments

6. Applicant's arguments filed January 9, 2009 have been fully considered but they are not persuasive.

The applicant is advised that the rejections based upon the reference to Wicker have been withdrawn (see the advisory action dated 12-30-08 for a complete explanation, noting that applicant's arguments relating to these rejections have been found to be persuasive. However, the arguments relating to the rejection over Billings have NOT been found to be persuasive and are addressed below.

Applicant essentially takes the position that the reference to Billings failed to teach the application of a coating upon the surface of the belt which was a distinct layer of material disposed thereon. This has not been found to be persuasive. The reference to Billings clearly provided a base structure having both machine direction and cross machine direction yarns therein, see base structure 52 which included warp yarns 45 (machine direction) and weft yarns (cross machine direction). The reference to Billings taught that one needled a fibrous web 60 into the base structure 52 so that the fibers of the web were integrated into the base structure 52 wherein an exterior outside layer of fibers 64. The entire structure is stated to have been impregnated with a liquid resin,

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thereby impregnating the base 52 with the resin as well as the outside layer of fibers 64 with the liquid resin. The reference thus clearly taught a surface layer (layer 64 of fibers and resin) which was a resin coating applied and cured on the surface of the outside surface of the base structure. While the reference did not express that grooves were formed in this exterior layer, inclusion of the same was evidenced by Hansen and McGahern as previously noted. It should be pointed out that applicant's own exterior outside coating disposed on the base structure included a fibrous material which was also needled into the base structure as depicted in Figure 5 of the disclosure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:30-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff H. Aftergut/ Primary Examiner Art Unit 1791

JHA January 21, 2009